

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 2589—Copyright Term Extension Act

H.R. 2578—Extending the Visa Waiver Pilot Program



H.R. 2589—Copyright Term Extension Act

Floor Situation: The House will consider H.R. 2589 as its first order of business today. Yesterday, the Rules Committee granted a modified open rule providing one hour of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee. The rule makes in order a manager's amendment in the nature of a substitute as base text. It also waives all points of order against an amendment by Mr. Sensenbrenner. The rule states that no amendment will be made in order unless it is printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2589 extends the term of copyright protection by 20 years for all copyrighted works that have not fallen into the public domain. The bill makes no other changes to copyright provisions found in current law. The effect of the bill is to protect most creative works—such as music recordings, movies, books, and the like—for the life of the creator plus an additional 70 years, instead of 50 years under current law. CBO estimates that enactment of H.R. 2589 will have no significant effect on the federal budget. H.R. 2589 was introduced by Mr. Coble and was reported by the Judiciary Committee by voice vote on March 4, 1998.

Views: The Republican Leadership supports passage of the bill. A Clinton Administration position was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2589:

Mr. Coble may offer an amendment to clarify language regarding the rights to ownership of a copyrighted work if the author dies without heirs. The amendment also states that a transfer of copyright ownership must recognize the original contractual obligations regarding residuals owed to writers, directors, and performers. Finally, the amendment makes technical corrections to the bill. **Staff Contacts:** *Mitch Glazier and Debbie Laman (Judiciary Courts and Intellectual Property Subcommittee), x5-5741*

Mr. Sensenbrenner will offer an amendment to allow disputes between establishments and performing rights organizations regarding the amount of licensing fees to be submitted to arbitration in or near the area where the establishment resides instead of requiring the disputing parties to travel to New York as current law mandates. It also exempts any business from paying licensing fees for transmissions of copyrighted works. Businesses qualifying for the exemption include those whose space where music is intended to be heard does not exceed 3,500 square feet or, in larger businesses, those who broadcast their entertainment on equipment consisting of no more than six speakers and/or two televisions, thereby having a limited distribution or intended audience for the broadcast. The amendment from responsibility for licensing fees exempts television retailers who use broadcasts to demonstrate their television products available for commercial sale. Finally, the amendment limits the liability of landlords and organizers of conventions, expositions, or fairs because a tenant or exhibitor renting space plays a copyrighted work as part of their display. **Staff Contact:** *Kevin Allexon, x5-5101*

* **Mr. McCollum and Mr. Conyers** will offer a substitute to the Sensenbrenner amendment to limit the exemption to only large and small restaurants. Small restaurants will become exempt from the requirement to pay license fees entirely; large restaurants may also be exempted if their broadcasts use no more than four television sets and/or six speakers to reach their target audience. Additionally, the amendment allows parties to license fee disputes to use federal district courts in each of the federal circuits in the U.S. to settle their disputes instead of traveling to New York as current law requires. **Staff Contact:** *Janie Kong, x5-2176*

Additional Information: See *Legislative Digest* Vol. XXVII, #7, March 20, 1998.



H.R. 2578—Extending the Visa Waiver Pilot Program

Floor Situation: The House will consider H.R. 2578 after it completes consideration of H.R. 2589. Yesterday, the Rules Committee granted a modified open rule providing one hour of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee. The rule states that no amendment will be made in order unless it is printed in the *Congressional Record*. It allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions. After passage of the House bill, the rule makes in order a motion to substitute the House language into the Senate bill.

Summary: H.R. 2578 amends section 217 of the Immigration and Nationality Act to temporarily extend the Visa Waiver Pilot Program for another 17 months through September 30, 1999. The

pilot program was initiated in 1988 as a way to allow tourists from certain countries to enter the U.S. without having to obtain a travel visa. The intent of the program was to facilitate easier entry into the U.S. for persons who stay in the U.S. for no longer than 90 days as tourists or while conducting business here. Such non-immigrant entries into the U.S. account for 10 million persons who enter the U.S. annually. CBO estimates that enactment of H.R. 2578 will have no significant effect on the federal budget. H.R. 2578 was introduced by Mr. Smith (TX) and was reported by the Judiciary Committee by voice vote on October 7, 1997.

Views: The Republican Leadership supports passage of the bill. The Clinton Administration also supports passage of H.R. 2578.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 2578:

Mr. Smith (TX) may offer a manager's amendment to extend authorization for the visa waiver pilot program from September 1999 until April 2001. *Staff Contact: George Fishman (Judiciary Immigration Subcommittee), x5-5727*

Mr. Pombo may offer an amendment to increase to three percent the maximum visa refusal rate for countries to participate in the waiver program. The current maximum visa refusal rate for any country allowed visas under the program is two percent. It also directs the Attorney General to determine that the U.S. national security interests will not be compromised by allowing a country to participate in the program. The intent of the amendment is to allow the State Department to continue, when deciding whether to include a particular country in the waiver program, to restrict entry into the U.S. of residents of countries it determines to be at "high-risk" of overstaying their visas, while not subjecting other countries to similar scrutiny which may be considered "low-risk" of such behavior, such as Portugal and Greece. *Staff Contact: Paul Kavinsky, x5-1947*

Mr. Underwood may offer an amendment to include residents from the Philippines for a one-year test period in the Guam-only visa waiver program which is currently in operation. The program will be limited to only 100 Filipinos who may be allowed into Guam for no longer than 15 days if they are sponsored by a relative who lives on the island. The amendment allows the U.S. Attorney General to terminate the program if the visa overstay rate exceeds 20 percent in any calendar month that the program is in effect. *Staff Contact: Terri Schroeder, x5-1188*

Mr. LaFalce may offer an amendment. Specific information was unavailable at press time. *Contact: x5-3231*

Additional Information: See *Legislative Digest* Vol. XXVII, #7, March 20, 1998.



Brian Fortune: *Editor*

S. Kevin Washington:
Senior Legislative Analyst

Melissa Decker, Jimmy Papadimitriou,
Kevin Smith: *Legislative Analysts*



Legislative
Digest

House

REPUBLICAN

Conference

Amendment
Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

1013 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, DC 20515 (202) 226-2302